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48. A method of controlling wireless communication functions of a handset unit, as recited in Claim 44, in which said handset unit's voice and control functions are adapted to functions of an earset unit.

5 49. A method of controlling wireless communication functions of a handset unit, as recited in Claim 44, in which said transmitting wireless radio frequency (RF) information step is adapted to transmitting information to a wireless cellular radio network, and receiving wireless radio frequency (RF) information step is adapted to receiving information from a wireless cellular radio network.

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50. A method of controlling a handset unit as recited in Claim 14, in which said handset unit is adapted to e-mail functions.

NE  
15 51. A method of controlling a handset unit as recited in Claim 14, in which said handset unit is adapted to voice communication functions.

52. A method of controlling a handset unit as recited in Claim 14, in which said handset unit is adapted to personal productivity functions.

20 53. A method of controlling a handset unit as recited in Claim 14, in which said handset unit is adapted to computer telephony functions.

**REMARKS**

25

III. In response to Examiner's first Office Action (paper 24) in the above referenced application, Claims 14, 43, 44, and 46 are herein amended; submitted. All new Claims are dependent claims. In this instant application, Claims 14 and 44 are independent claims, and Claims 23, 24, 31, 40-43, and 45-53 are dependant claims.

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***Drawings***

Examiner objected to the drawings under 37 CFR 1.83(a). Examiner stated, a proposed drawing correction or corrected drawings are required to the Office Action. Examiner stated the objection to the drawings will not be held in abeyance. Examiner requested Applicant to point out where each claim element is taught in the drawings. Applicant has reviewed each element of the herein-submitted claims. Applicant sincerely believes there are sufficient existing antecedent basis shown in the drawings for each claimed limitation. Evidence for this is shown herein.

10

***Claim Rejections – 35 USC § 112,  
Second Paragraph***

15 Examiner rejected Claims 14, 23-24, 31, and 40-43, and 49-50 under 35 USC §112, second paragraph as being. Indefinite for failing to particular point out and distinctly claim the subject matter.

Regarding Claim 14, Examiner stated “interfacing” step is “generally unperceivable”.  
20 In order to make clearer, Applicant has amended the step to replace the word interfacing with -- causing to execute.

Regarding Claim 43, Examiner stated the phrase “such as” in line 2 is indefinite. This phrase was meant only for providing examples of audio or video content. However, Applicant  
25 has amended the claim by removing the example phrase “such as music or movies”, since it is clear that audio and video content includes music or movies.

Regarding Claim 46, Examiner states the limitation “said base unit that is connected to the Internet” in line 3 has insufficient antecedent basis in the claim. Applicant has amended  
30 Claim 46, by removing the words “that is”, and adding: -- wherein it is intended that said base unit is — before the words: “connected to the Internet via wire or cable connections.”

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***Claim Rejections – 35 USC § 112,  
First Paragraph***

5 Examiner rejected Claims 14, 23-24, 31, and 40 – 53 under 35 USC §112, first paragraph as containing subject matter which was not described in the specification.

Regarding Claim 14 and 44, Examiner states that the specification “appears to be limited to the control of the base unit/ notebook computer system.” However, Examiner may  
10 have missed the disclosed nexus between the wireless handset and the PDA (Personal Digital Assistant). This is evidenced by the definition of a PDA in the specification:

“*Notebook computers have a relatively large flat panel display device, a full alphanumeric keyboard and battery power. PDAs are small handheld units with a small LCD display, small key pad and touch pen. PDAs are designed to  
15 be placed in one's pocket or purse for maximum portability.*” [Page 1, line 34, to Page 2, line 1] (emphasis added)

It is well known at the time of the invention that PDAs are hand held units, intended to be held in one's hands for use. In the specification, Applicant uses the term PDA and handset to refer  
20 to the *same class* of handheld products, used for *similar* purposes having the same or similar control. Throughout the specification, Applicant also recognized that: *if* a notebook computer is *embodied* in a small enough physical enclosure, it could be considered a PDA. Applicant discloses a common control program in each of the units: 1) notebook computer, 2) PDA unit, and 3) handset unit. Each unit *can* be comprised of the same or similar control  
25 programs. This is evidenced when Applicant states in the specification:

“*Another object of this invention involves hardware and program software to control cellular or PCS communications, combined with a light weight mobile notebook or PDA like unit.*” [Page 4, lines 9-10] (emphasis added)  
30

The above quote shows *program control equivalence* among the cellular handset, notebook, and PDA. The disclosure of “cellular” and/or “PCS” hardware teaches handset units; “program software to control teaches” teaches control programs. *The disclosure teaches PDA and handset control software equivalence.* It is well known that products that have different

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sizes and/or dissimilar *uses* (i.e. different class of products) may have the same or similar control programs. It is well known that the *physical size/weight* of notebook that determines whether it can be classified as a notebook, PDA or handset unit, wherein each may have same or similar control. This concept was well known to those skilled in the art at the time of the invention. Applicant *thought* this would be understood by the reader of the specification, as originally filed, and did not need further explanation.

In both the specification and drawings, Applicant has disclosed that handsets and PDAs may be roughly similar in operating functions, each having similar control/application programs. This is evidenced by Applicant's disclosure describing these control and application functions of PDAs and handsets starting at page 17, line of the specification, and continues to page 18, line 32, and is shown in Fig. 8. Examiner recognized that PDA control is taught in the specification and Fig. 8, when Examiner stated in the Office Action:

*"examiner maintains the specification clearly sets forth the 'system' is a reference to the base unit / notebook computer / PDA."*[OA Page 9, lines 7-8]

Also, wireless handset and PDA as taught by Applicant has control buttons/switches/display (control hardware) in elements (14), (14A-14C) in Fig. 3, and control programs/application programs as shown in elements of Fig. 8. In addition handset control is specifically taught in element (81) of Fig. 8, "Base unit - Handset/Earset Comm. Control".

In OA *Response to Arguments* (Page 8), Examiner indicated he is unaware of "any conventional technology that provides for cellular telephone with the capability or processing power to the windows operating system and multiple application programs such as that of Fig. 8" [OA Page 9, 2<sup>nd</sup> paragraph, lines 5-8]. However, Microsoft Corporation and several handset/PDA manufacturers have introduced such products. They are "paired down" Windows® operating systems capable of running a wide range of application programs including Internet browser programs. Specifically, Microsoft has identified two such products

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as Windows CE® and Pocket PCs™ operating systems. In the instant specification, applicant disclosed the use of the Windows CE® operating system for control the Applicant's inventions [see Page 9, line 30]. It was well known that Windows CE® operating system was implemented PDA unit at the time of applicants invention. In addition, recently Microsoft Corporation has also announced "Windows® Powered Smartphone" software, which also includes operating system and applications for cellular handset phones.

As further evidence of Applicant's handset and PDA equivalence, Applicant disclosed in the specification:

"the hand set may operate roughly equivalent to conventional cellular telephone handsets". [Page 11, line 28]

It is well known at the time of the invention that such cellular telephones may include control programs and microprocessor. Nevertheless, Applicant has amended independent Claims 14 and 44 to more particularly and distinctly claim the subject matter disclosed by Applicant bringing to life the meaning of the specification and drawings.

Regarding claim 23, Examiner states specification fails to show handset to be primarily a PDA. However, as discussed above, the following quote from the specification clearly teaches this equivalence.

*"Another object of this invention involves hardware and program software to control cellular or PCS communications, combined with a light weight . . . . PDA like unit."* [Page 4, lines 9-11]

Regarding Claim 41, Examiner states the specification fails to provide for the handset unit to be adapted to access the Internet. However, element (90) of Fig. 8 and Page 18, line 17 of the specification teaches access to the Internet.

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Regarding Claim 42, Examiner states the spec fails to provide for the handset unit to adapted to hands free speakerphone-like operation but at most provides for the base to.

However, applicant's specification discloses:

5       *"The wireless earset unit may be used for hands free applications. The user may then walk around while communicating with the handset or earset. . . . For semi-private voice communications, some users may prefer using the handset 14, with hand set speaker 14A, handset key pad 14B and handset microphone pickup 14C."* [Page 11, lines 32-35, and Page 12, line 1-2]

10      The above teaches speakerphone functions and operations in both handset and earset units.

Regarding Claim 43, Examiner states spec fails to provide handset adapted to record and playback audio or video content. However, see specification text:

15       *"Still another object of this invention is to provide for bi-directional communication of voice, audio, text, graphics, image and/or video data to wide area communications networks where one or more users may communicate with other users with appropriate apparatus. The communication may realtime or store forward type communications."*  
20      [Page 4, lines 4-7]

The above direct quote shows, Claim 43 has sufficient antecedent basis for adapting to record and playback audio or video content.

25       Regarding Claims 50, 52, and 53, Examiner states spec fails to provide for the handset to be adapted to e-mail functions, personal productivity functions or computer telephony functions, but at most provides for the base to. However, as established above and in the spec, the base or notebook computer, if embodied in a small enough enclosure, it becomes a PDA or handset unit. So all the above cited functions as taught in Fig. 8 and associated text applies to  
30      base units, PDAs and handset units.

Regarding Claim 48, Examiner states spec fails to provide hand unit's voice and control that are adapted to functions of an earset. However applicant teaches:

35       *"The earset 34 has a small low power RF transceiver, audio microphone, audio speaker and small battery source, which is capable of fitting into the*

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*user's ear. The wireless earset unit may be used for hands free applications. The user may then walk around while communicating with the handset or earset" [Page 11, lines 30-34].*

5 As evidence above, the control for earsets and handsets are equivalent, the terms used in the *alternative*. Since it is established that the PDA is equivalent to the handset, then PDA functions are also equivalent to the earset unit. So all PDA/handset control function on Fig. 8 and other parts of the spec also apply to the earset also. Therefore,

10 For all the above reasons, Claims 14, 23, 24, 31 and 40-53 appear patentable under the meaning of 35 U.S.C. § 112 first paragraph. Therefore, Applicant respectively asks these claims to be placed into allowance.

***Claim Rejections – 35 USC § 102  
over Akerberg et al***

15

Examiner rejected Clams 44, 45, 46, and 48 under 35 U.S.C. 102(e) as being anticipated by Akerberg et. Al. (US Patent 5,53,027). The definition of anticipation under 35 USC 102(e) is given in *Illinois Tool v. Sweethart Plastics Inc.* [436 F.2d 1180, 168 USPQ 451  
20 (7<sup>th</sup> Cir. 1971)] which states:

25

"Anticipation is strictly a technical defense and unless all of the same elements are formed in exactly the same situation and united in the same way to perform an identical function there is no anticipation." [emphasis added]

Examiner states Akerberg teaches adapting handset unit to wireless communication functions and signals for relatively short distance wireless local networking with a base unit (SFS /2), where information is relayed via RF communication functions to an external wide  
30 area network (Public Network /1. As Akerberg states, referring to Fig. 5:

*"A Subscriber Fixed Station (2) which in this case is a so called Multiple Access Subscriber Fixed Station, MASFS (2), comprises a public connection*

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*over a roof antenna (7) for connections to the base station (1).” [Co. 5, lines 56-60]*

However, in Claim 44, element b) applicant teaches: “relative short distance wireless local  
5 networking with base unit”. Akerberg does not anticipate any type of local networking with a  
base unit. The only networking Akerberg teach is base is his “base station (1) network” [Col.  
6, line 10], which is not the same part and function as local networking. Applicant has studied  
Akerberg’s disclosure carefully, and he teaches data and voice communication at the local  
site, but not local networking functions. For all the above reasons Claim 44 appears allowable  
10 under the meaning of 35 U.S.C. 102(e), Applicant respectfully ask Claim 44 be placed into  
allowance.

As to Claims 45, 46, and 48, the are dependent on a independent Claim 44 that appears  
allowable, and are all comprised of all the limitations of their independent claim. Therefore  
15 they also appear allowable. From the above evidence, Akerberg’s disclosure does not have  
all of the same elements and are not formed in exactly the same situation and united in the  
same way. Therefore applicant respectfully ask examiner to place into allowance Claims 44,  
45, 46, and 48 under the meaning of 35 U.S.C. 102(e).

***Claim Rejections – 35 USC § 102  
over Lintula et al***

Examiner rejected Claim 14, 24, 40, 41, and 44-48 under 35 USC 102(e) as anticipated  
Lintula et al (US Patent 5,884,190).

As to claims 14, 44-49 and 53, Examiner states in the OA on page 7 near the top that Lintula  
teaches handset units being adapted for wireless communication with a base unit . . . . for the  
purpose of wireless relaying data to and from an external wide area network, and cites Col. 3,  
lines 39-67). However, Applicant has studied the quotation carefully, and, although the  
30 reference teaches several claimed elements, it does not anticipated the claimed relay function



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between the computer and the telecommunications networks. Lintula's quote cited by examiner:

5 "The computer (1) is connected to a telecommunication terminal by a data adapter unit (3) and connection cable (4). In this embodiment, the telecommunication terminal (2) is a mobile station with two operational modes for forming a data transmission connection, whereby the first operation mode can be used upon entering a first telecommunications network (33) and the second operation mode can be used upon entering a second telecommunications mode (34). . . . However, the invention is not limited to dual-mode telecommunication terminals only, but it can be advantageously applied also in telecommunication terminals with several operational modes." [Col. 3, lines 41-10 55] (emphasis added)

From above quote, Lintula teaches multiple operational modes for his "telecommunications terminal (2), but not for his computer (1). In contrast, applicant teaches a notebook computer/base unit having a specific communication relay function between the External wide area Network (33), which Lintula does not anticipate. All of Lintula's multiple operational modes are between his terminal (2) and a external network shown as a large far away antenna of his telecom network, see Fig. 1 and text - i.e. there is no relay function directly between 20 computer and external network. In other words, Lintula's wireless relay path is limited to the following path structure:

**Lintula's handset adapted to:**

Portable computer (1) ◀-----▶ mobile terminal (2) ◀-----▶ Telecom Networks (33,34)

**Ditzik's Handset adapted to [see Fig. 7]:**

1) base unit/notebook (100) ◀-----▶ handset unit (14) ◀-----▶ External Comm. Network (33)

and

2) Claim 12 & 44: handset unit (14) ◀-----▶ Base unite/notebook (100) ◀-----▶ External Comm. Network (33)

and

3) handset unit (14) ◀-----▶ External Comm. Network (33)

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Applicant's independent Claims 14 and 44 teach a handset (14) specifically adapted to wireless communication between itself and a base unit, *and* relay communication between the notebook/base unit and a external wide area network. This is shown in Applicant's Figs. 3, 7, 8 and associated text. Applicant's multiple RF paths are shown clearly by the three RF paths forming a triangle in Fig. 7. Luntula does not anticipate such paths. Lintula does not teach nor anticipated adapting his computer (1) to any long distance communication via the computer by evidence, for example, his lack of anticipation of an antenna on his computer.

Also as to Claim 44, Lintula fails to anticipate element b) language: "adapting handset unit to wireless communications . . . for relatively short distance wireless local networking." None of Luntulas operational modes anticipates local networking.

As for Claims 24, 40, 41 51, they are all dependent claims having all the limitations of their parent independent claims that appear allowable. Therefore, Claims 24, 40, 41 51 are also not anticipated, and appear allowable. Lintula does not teach the same elements, united the same way and functioning the same way. Therefore, Claims 14, ~~44-49~~ and 53 are not anticipated by Lintula under the meaning of 35 USC 102(e); applicant respectfully asks the claims be placed into allowance.

***Claim Rejections Obviousness  
Under 35 USC § 103(a)***

In order to establish a Prima Facie Case of Obviousness [MPEP 2143], three basic criteria must be met.

"First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references (or references when combined) must teach all the claim limitations." [emphasis added]

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Examiner rejected Claims 23, 31, 42, 43, and 52 (all dependant to Claim 14) as being obvious under 35 USC 103(a) in view of Lintula, et al. Examiner states "Lintula discloses everything claimed as applied to Claim 14, however failed to recite each limitation, each of which were well know in the art at the time of the invention." However, there is no suggestion or  
5 motivation in Lintula for adapting handset to wireless communicate with a base unit "for the purpose wireless relaying data to and from an external wide area network" [Claim 14 element (a), line 4]. Lintula teaches away by teaching single path only (computer ↔ handset ↔ telecon network) [Fig. 4].

10 There is no suggestion or motivation in Lintula for "causing to execute a plurality of programs under control of said executing control step and controlling step." [Claim 14, element (d)]. Lintula teach away for applicant's programs by only teaching analog and digital voice communication functions [see Figs. 2 - 11]. It is the Applicant's unique combination of  
15 known functions that provides new non-obvious unexpected results (a surprising new utility a such handsets) forms the basis of Applicant's inventions. Therefore, Applicant respectfully submits that Claims 23, 31, 42, 43, and 52 are non-obvious under meaning of 35 USC 103(a), and request they be placed into allowance.

20 IV. All claims appear to be patentable under the meaning of 35 U.S.C. 112, 102(e) and 103(a). **No new matter has been added.** Newly submitted Claims do not change the scope of the claimed subject matter. Claim amendments to were not made due to any patentability reasons, but instead to remove confusion and to bring to life the meaning of the specification  
25 and drawings. Claim amendments do not narrow the scope of the claims. Applicant reserves the right to swear behind certain references cited. Applicant most respectfully requests Claims 14, 23, 24, 31, 40-48, 49-53 be placed into allowance.

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Sincerely,



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**Appendix A**  
**Amendment Version with Marking to Show Changes Made**

5 **IN THE SPECIFICATION:**

Starting at Page 11, line 18:

Fig. 3(a) also shows several other elements including a small CCD video camera 46, built into the display assembly for video conferencing and other uses. One or more built-in  
10 audio microphones 36 may be embodied in the base unit. Preferably one microphone should be located on the edge of the notebook, as shown, so that the user may be in voice communications with other while the unit is closed. One or more audio speakers 30 may be built into the base unit. One or more compartments 47 and 48 may be embodied at convenient locations to store attachments for use with the mobile computer system. A telescoping antenna  
15 32 may be embodied into the base unit as shown, or it may be built-in the unit and not exposed. Although the base unit 100 can be a self-contained unit, it may work with other optional attachments, such as a wireless cellular-like handset 14 or earset 34, as shown in Fig. 3(c). The handset 14 may operate roughly equivalent to conventional cellular telephone handsets with a built in power source, providing voice and/or data communications  
20 to wide area communications networks. The earset 34 has a small low power RF transceiver, audio microphone, audio speaker and small battery source, which is capable of fitting into the user's ear. The wireless earset unit may be used for hands free applications. The user may then walk around while communicating with the handset or earset. If one is using the earset he/she may also use a pen input means 7 or keyboard 16 while in audio communications. For  
25 semi-private voice communications, some users may prefer using the handset 14, with hand set speaker 14A, handset key pad 14B and handset microphone pickup 14C.

**IN THE CLAIMS:**

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14. (Six times Amended) A method of controlling a handset unit operated by a user comprising the steps of:

a) executing control of said handset unit, wherein said control accepts user inputs and

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generates processing outputs, and wherein said handset unit is adapted to wireless communication of data with a communication base unit a relatively short distance away for the purpose of wireless relaying data to and from an external wide area network;

- 5    b)     selecting a plurality of communication modes in coordination with said executing control step, wherein said modes include voice, data and conventional control functions, and wherein said user has option to run these modes roughly simultaneously;
- c)     controlling said plurality of communication modes under control of said executing control step, such that multiple functions of said handset unit appear roughly simultaneous in
- 10    operation; and
- d)     [interfacing to] causing to execute a plurality of programs under control of said executing control step and controlling step.

23. (No change)     A method of controlling a handset unit as recited in Claim 14, in which

15    said handset unit is primarily a personal digital assistant device.

24. (No change)     A method of controlling a handset unit as recited in Claim 14, in which said handset unit is primarily a cellular phone unit.

20    31. (No change)     A method of controlling a handset unit as recited in Claim 14, in which said controlling of plurality of communication modes step is adapted to communications among multiple handset units or earset units.

40. (No change)     A method of controlling a handset unit as recited in Claim 14, in which

25    said communication base unit is primarily a portable notebook-like computer system with external communication capability.

41. (No change)     A method of controlling a handset unit as recited in Claim 14, in which said handset unit is adapted to access the Internet.

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42. (No change) A method of controlling a handset unit as recited in Claim 14, in which said handset unit is adapted to hands free speakerphone-like operation, wherein the user can look at a display screen while speaking toward a microphone at a distance.

5 43. (Twice Amended) A method of controlling a handset unit as recited in Claim 14, in which said handset unit is adapted to record and playback audio or video information [content such as music or movies].

10 44. (Four times Amended) A method of controlling wireless communication functions of a handset unit comprising the steps of:

a) controlling said handset unit [via a microprocessor system] using control program [, data stored in memory and microprocessor] and system components [,] located in said handset unit;

15 b) adapting handset unit to wireless communication functions and signals, under control of said microprocessor system, for relatively short distance wireless local networking with a base unit, wherein information is relayed [via RF communication functions] to an external wide area network by said base unit;

20 c) transmitting wireless radio frequency (RF) information, under control of said control program [microprocessor system] to said base unit; and

d) receiving wireless radio frequency (RF) information, under control of said [microprocessor system] control program from said base unit.

25 45. (No change) A method of controlling wireless communication functions of a handset unit, as recited in Claim 44, in which said adapting handset step includes adapting functions to networking functions with one or more other handset units.

30 46. (Three times Amended) A method of controlling wireless communication functions of a handset unit, as recited in Claim 44, in which said adapting data step is adapted to communication functions with said base unit [that is] wherein it is intended that said base unit is connected to the Internet via wire or cable connections.

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47. (No change) A method of controlling wireless communication functions of a handset unit, as recited in Claim 44, in which said adapting data step is adapted to communication functions having said base unit performing functions of a personal computer or notebook computer.

48. (No change) A method of controlling wireless communication functions of a handset unit, as recited in Claim 44, in which said handset unit's voice and control functions are adapted to functions of an earset unit.

49. (No change) A method of controlling wireless communication functions of a handset unit, as recited in Claim 44, in which said transmitting wireless radio frequency (RF) information step is adapted to transmitting information to a wireless cellular radio network, and receiving wireless radio frequency (RF) information step is adapted to receiving information from a wireless cellular radio network.

50. (No change) A method of controlling a handset unit as recited in Claim 14, in which said handset unit is adapted to e-mail functions.

51. (No change) A method of controlling a handset unit as recited in Claim 14, in which said handset unit is adapted to voice communication functions.

52. (No change) A method of controlling a handset unit as recited in Claim 14, in which said handset unit is adapted to personal productivity functions.

53. (No change) A method of controlling a handset unit as recited in Claim 14, in which said handset unit is adapted to computer telephony functions.